

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

**IN RE: ETHICON, INC.
PELVIC REPAIR SYSTEMS
PRODUCTS LIABILITY LITIGATION**

MDL NO. 2327

THIS DOCUMENT RELATES TO ALL CASES

JUDGE GOODWIN

**APPLICATION OF HARRY F. BELL, JR. FOR
PLAINTIFFS' STEERING COMMITTEE**

COMES NOW, Harry F. Bell, Jr., and hereby respectfully submits his Application for Appointment to the Plaintiffs' Steering Committee. In support of his Application, the undersigned states as follows:

I am a native of Charleston, West Virginia and a graduate of the West Virginia University College of Business with a B.S. degree in Economics *cum laude* 1977, followed by my J. D. degree from the West Virginia University College of Law in 1980. I became a member of the West Virginia State Bar in 1980 and remain a member in good standing. A copy of a Certificate of Good Standing from the West Virginia State Bar is attached hereto as **Exhibit 1**. Additionally, I am admitted to practice in the United States District Courts for the Northern District and Southern District of West Virginia, the United States Court of Appeals for the Fourth Circuit and the United States Supreme Court.

While in law school, I served as a clerk for the West Virginia Supreme Court of Appeals and for the Kanawha County Prosecuting Attorney's office. Upon graduation, I returned to Charleston beginning my trial experience in the prosecuting attorney's office. Later, I joined the firm of Kay, Casto & Chaney where I subsequently became a partner while learning litigation under my mentor, the late John S. Haight. Since that time, I have prosecuted numerous product liability and complex civil litigation matters.

Beginning in 1993, I founded the firm now known as The Bell Law Firm, PLLC, which is recognized as one of West Virginia's leading litigation firms, representing individuals and businesses in complex and serious litigation, including class actions, multi-district litigation, mass torts in pharmaceutical, commercial, consumer, product liability and corporate business disputes.

The bulk of my practice of over 30 years has involved civil litigation. I am recognized as a "Super Lawyer" by Super Lawyers Magazine 2009, a publication by Thomson Reuters, and as one of the top 100 civil trial lawyers in West Virginia under the American Trial Lawyer Association. I have participated in close to 100 trials over my career and have spoken nationally

at various seminars including the Mass Torts Made Perfect programs, the annual combined South Carolina Judiciary and South Carolina Bar meeting, the Louisiana State Bar Association 10th Annual Class Action/Mass Tort Symposium on the topic of MDL Exit Strategies, the Louisiana State Bar Association 11th Annual Class Action/Mass Tort Symposium, the HarrisMartin Mass Tort Symposium and the West Virginia State Bar Association. I am currently scheduled to speak at the HarrisMartin Mass Tort Symposium on the topic of Transvaginal Mesh Litigation Update on March 28, 2012 in San Diego, California.

My firm and I have been involved in numerous successful class actions. I have served as liaison and co-lead counsel in the Digitek MDL *In Re: Digitek Products Liability Litigation MDL 1968 (2:08-md-01968)* and on the Plaintiffs Steering Committee of the Comcast Anti-Trust litigation *In Re: Comcast Corp, Set-Top Cable Television Box Antitrust Litigation MDL No. 2034 (09-md-02034-AB)*. I have served in various capacities as special master and mediator appointed by state and federal courts in West Virginia.

Together with my partners, Andrew L. Paternostro and Sprague W. Hazard, my law firm has the largest nursing home litigation practice in West Virginia, as well as a sterling reputation as a “go-to” litigator in West Virginia for many national firms seeking local counsel.

My firm and I pride ourselves on the ability to work with diverse groups of attorneys and firms around the country in a cooperative, collegial and professional fashion.

I fully support the recommendations submitted by Bryan Aylstock, Henry G. Garrard, III, and Fred Thompson, III in *Plaintiffs’ Proposed Organizational Structure*. I have great respect for those included and believe that the collective skill, talent, experience and resources represented by the fine individuals identified in the proposed organizational structure will be vital to efficiently and effectively move this litigation forward. I have been active in the Trans-Vaginal Mesh litigation through my coordination and participation in many organizational meetings and regular conference calls. I am also serving as local counsel in twenty-eight individual matters¹ currently pending in the United States District Court for the Southern District of West Virginia, spanning MDL No. 2187, MDL No. 2325, MDL No. 2326 and MDL No. 2327, as of the submission of this application.

Your Honor indicated the main criteria for PSC membership will be (a) a willingness and availability to commit to a time consuming project; (b) the ability to work cooperatively with

¹ *Gray v. C. R. Bard, Inc. et al*, Civil Action No. 2:10-cv-01342; *Pack et al v. C.R. Bard, Inc. et al*, Civil Action No. 2:10-cv-01343; *Krotche et al v. C.R. Bard, Inc. et al*, Civil Action No. 2:10-cv-01344; *Swaim v. American Medical Systems, Inc., et al*, Civil Action No. 2:11-cv-00827; *Ridley et al v. Boston Scientific Corporation*, Civil Action No. 2:12-cv-00606; *Kerr et al v. American Medical Systems*, Civil Action No. 2:12-cv-00616; *Stone et al v. Ethicon, Inc., et al*, Civil Action No. 2:12-cv-00652; *Daniell et al v. Johnson & Johnson, et al*, Civil Action No. 2:12-cv-00736; *Harter et al v. Johnson & Johnson et al*, Civil Action No. 2:12-cv-00737; *Scholl et al v. Johnson & Johnson et al*, Civil Action No. 2:12-cv-00738; *Goodwin et al v. Boston Scientific, Inc. et al*, Civil Action No. 2:12-cv-00742; *Gulyban et al v. Boston Scientific, Inc. et al*, Civil Action No. 2:12-cv-00743; *Poteet v. American Medical Systems, Inc. et al*, Civil Action No. 2:12-cv-00745; *Durham et al v. Johnson & Johnson et al*, Civil Action No. 2:12-cv-00760; *Riddick et al v. Johnson & Johnson et al*, Civil Action No. 2:12-cv-00763; *Oehring et al v. Johnson & Johnson et al*, Civil Action No. 2:12-cv-00767; *Goick et al v. Boston Scientific et al*, Civil Action No. 2:12-cv-00775; *Roy v. Boston Scientific, Inc. et al*, Civil Action No. 2:12-cv-00776; *Shumate et al v. Boston Scientific, Inc. et al*, Civil Action No. 2:12-cv-00790; *Trahan et al v. Johnson & Johnson et al*, Civil Action No. 2:12-cv-00813; *Connors et al v. American Medical Systems, Inc. et al*, Civil Action No. 2:12-cv-00824; *Davis v. American Medical Systems, Inc. et al*, Civil Action No. 2:12-cv-00825; *Reiter v. American Medical Systems, Inc. et al*, Civil Action No. 2:12-cv-00826; *Shushan et al v. Boston Scientific, Inc. et al*, Civil Action No. 2:12-cv-00827; *Nix et al v. Johnson & Johnson et al*, Civil Action No. 2:12-cv-00828; *Williams et al v. American Medical Systems, Inc. et al*, Civil Action No. 2:12-cv-00831; *Mooney et al v. American Medical Systems, Inc. et al*, Civil Action No. 2:12-cv-00832 and *Smith v. Boston Scientific, Inc. et al*, Civil Action No. 2:12-cv-00833

others; and (c) professional experience in this type of litigation. I respectfully submit that I possess these qualifications, and that I have the requisite experience and resources to serve on the Plaintiffs' Steering Committee and commit to this challenging and expansive MDL process.

Dated: March 26, 2012

Respectfully submitted,

By: /s/Harry F. Bell, Jr.
Harry F. Bell, Jr. (WVSB No. 297)
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on March 26, 2012, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the CM/ECF participants registered to receive service in this MDL.

Dated: March 26, 2012

Respectfully submitted,

By: /s/Harry F. Bell, Jr.
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